

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 88-017

ORDER AMENDING CEASE AND DESIST ORDER NO. 86-7
TO CONSIDER PARTIAL REMOVAL OF THE PROHIBITION
OF ADDITIONAL DISCHARGES TO THE SEWER SYSTEM IN
THE MATTER OF CITY OF ST. HELENA, NAPA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board) finds that:

1. On February 19, 1986, the Board adopted Order No. 86-7, a revised Cease and Desist Order, to the City of St. Helena (hereinafter called the Discharger) after noticing the Discharger's repeated delays in implementing a summertime water reclamation project. Order No. 86-7 requires the City of St. Helena to cease and desist from discharging waste contrary to requirements prescribed by the Board, and to move toward completion of the water reclamation project according to a time schedule. Order No. 86-7 was amended, and the time schedule was revised, by the Board's Order No. 87-071 adopted on June 17, 1987.
2. Cease and Desist Order No. 86-7 contains a provision which prohibits additional discharges to the Discharger's sewer system (sewer connection ban) based on concerns over the inadequacy of wastewater disposal capability in the Discharger's sewer system. Order No. 86-7 states:

"...

- C. Additional discharges to the Discharger's sewer system by dischargers who did not discharge into the system prior to February 19, 1986, are prohibited; provided the following are excluded from this provision: (a) projects under construction or which are issued building or sewer connection permits before January 19, 1986, (b) projects which would eliminate discharges from existing dwellings which have waste disposal systems causing more severe water quality problems than those caused by the community sewer system, or, (c) projects which would alleviate an extreme public hardship or a public health problem. Exclusions pursuant to (b) and (c) shall be obtained by application to and approval of the Board's Executive Officer.

..."

3. Order No. 86-7 contains specific requirements for the Board to consider partial or complete removal of the sewer connection ban.
4. Order No. 86-7 states:

"...

- D. This Board will consider the partial removal of the prohibition of additional discharges to the sewer system when the Discharger demonstrates to the Board that they have commenced construction of the required water reclamation project.

... If the Board determines that the Discharger has forthwith achieved and completed the above task and that compliance with other limitations and time schedules has not deteriorated, the Board will partially remove said prohibition and will allow the Discharger additional discharges sufficient to serve those proposed projects for which the Discharger has received and processed all documents required by the Discharger for issuance of a building permit.

..."

5. The requirements of Order No. 87-071 provide, in part, as follows:

"...

- B. Compliance with discharge prohibition ... shall be achieved according to the following time schedule:

<u>Tasks</u>	<u>Completion Date</u>
1. Give Notice to Proceed to the contractor	August 15, 1987
2. Start construction of the effluent disposal system	November 1, 1987
3. Complete construction	September 30, 1988
4. Full compliance	October 31, 1988

..."

6. The Discharger, in a November 6, 1987 letter to the Board, requested that the sewer connection ban be partially removed in accordance with the provision of Cease and Desist Order No. 86-7, as cited in finding 4 above. The request was made based on the fact that the construction of the effluent disposal project has started and that forty-percent of the project construction has been completed.
7. The Discharger has not been accepting building permit applications since the adoption of sewer connection ban. However, the Discharger requested that the Board approve additional discharges to the Discharger's sewer system in an amount not to exceed twenty-five thousand (25,000) gallons per day, which is approximately five percent (5%) of the capacity of the wastewater treatment plant. The Board finds this to be a fair estimate which is representative of

the population growth rate of the City of St. Helena over a two-year period.


8. The Discharger's compliance with Board requirements, limitations, and time schedules will not be deteriorated significantly as a result of the requested partial lifting of sewer connection ban.
9. This action is an order to enforce waste discharge requirements adopted by the Board. This action is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resource Agency Guidelines.
10. In a public meeting starting at 9:30 a.m. on Wednesday, January 20, 1988, in the Assembly Room, State Building, 1111 Jackson Street, Oakland, after due notice to the Discharger and other affected persons, the Board conducted a public hearing at which the Discharger and other interested persons appeared and evidence was received concerning the discharge.

IT IS HEREBY ORDERED THAT:

Item C of the requirements of Cease and Desist Order No. 86-7 shall be amended and read as follows: (with the inserted words underlined)

- C. Additional discharges to the Discharger's sewer system in an amount exceeding 25,000 gallons per day by dischargers who did not discharge into the system prior to February 19, 1986, are prohibited; provided the following are excluded from this provision: (a) projects under construction or which are issued building or sewer connection permits before January 19, 1986, (b) projects which would eliminate discharges from existing dwellings which have waste disposal systems causing more severe water quality problems than those caused by the community sewer system, or, (c) projects which would alleviate an extreme public hardship or a public health problem. Exclusions pursuant to (b) and (c) shall be obtained by application to and approval of the Board's Executive Officer.

I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on January 20, 1988.



ROGER B. JAMES
Executive Officer